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April 19, 2018

Honorable Steven L. Tiscione
Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Leguette v. Schwans Company et al.
Case No. 1:17-cv-07599 (JBW)(ST)

Dear Magistrate Judge Tiscione:

This office represents plaintiff in the above-referenced action. The undersigned regrets that your Honor's "Status Report Order" of April 10, 2018, was not attended to until now. This was an oversight and it will not happen again.

On March 21, 2018, plaintiff filed a waiver of service and notice of voluntary dismissal, resulting in Schwans Consumer Brands, Inc., being the only remaining defendant. Dkt. 6-7. This was based on communication with counsel for defendants, August Horvath, of Foley Hoag, to ascertain the specific entity which is relevant to the within action.

My co-counsel spoke with Mr. Horvath earlier this week regarding the procedural posture of this action and how the parties would proceed. Mr. Horvath informed him that pursuant to the Individual Rules of the Hon. Weinstein, Senior District Judge, he would file a motion under Fed. R. Civ. P. 12(b)(6) on May 21, 2018. This was to be made in accordance with Judge Weinstein's Rules, which do not require permission or a pre-motion conference prior to making of a motion.

However, in light of the February 6, 2018 Order of Judge Weinstein, which referred this action to your Honor under Local Rule 72.2 for expedition and settlement, and the fact that only one defendant remains a party, the undersigned requests that the Court set a date for a conference as detailed in Judge Weinstein's Order. A conference is consistent with your Honor's Individual Rules and the Order of Judge Weinstein. Plaintiff shall serve any Order setting a conference date upon counsel for defendant. Lastly, plaintiff will email this letter to opposing counsel promptly after its filing via ECF.

Thank you in advance for your courtesies.

Respectfully submitted,

/s/ Joshua Levin-Epstein
Joshua Levin-Epstein

cc: ahorvath@foleyhoag.com